

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 7  
)  
SHARLEEN LYNN SISKEY ) CASE NO. 22-56977-PWB  
)  
DEBTOR. ) JUDGE BAISIER

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SPECIALIZED LOAN SERVICING LLC )  
AS SERVICING AGENT FOR WELLS )  
FARGO ASSET SECURITIES )  
CORPORATION, MORTGAGE ASSET- )  
BACKED PASS-THROUGH )  
CERTIFICATES, SERIES 2002-1, U.S. )  
BANK NATIONAL ASSOCIATION, AS )  
TRUSTEE, SUCCESSOR IN INTEREST )  
TO WACHOVIA BANK, NATIONAL )  
ASSOCIATION, AS TRUSTEE )  
MOVANT, )  
) CONTESTED MATTER  
V. )  
)  
SHARLEEN LYNN SISKEY )  
S. GREGORY HAYS, TRUSTEE )  
RESPONDENTS. )

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**NOTICE OF HEARING**

PLEASE TAKE NOTICE Specialized Loan Servicing LLC, has filed a Motion for Relief from the Automatic Stay and related papers with the Court seeking an order on the Motion for Relief from the Automatic Stay.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold an initial telephonic hearing for announcements on the *Motion for Relief from the Automatic Stay* at the following number: **(toll-free number:833-568-8864; access code 161 706 9079), at 1:00 P. M. on October 24, 2022 in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303.**

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the

“Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information.

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, Atlanta Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

September 16, 2022

/s/Chad R. Simon  
Chad R. Simon  
Georgia Bar No. 646919  
Bonial & Associates  
Chad R. Simon  
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S. GREGORY HAYS, TRUSTEE	)	
RESPONDENTS.	)	

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

**COMES NOW**, Specialized Loan Servicing LLC as servicing agent for Wells Fargo Asset Securities Corporation, Mortgage Asset-Backed Pass-Through Certificates, Series 2002-1, U.S. Bank National Association, as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee (“Movant”), a secured creditor in the above-captioned case, by and through counsel, and moves this Court to enter an order granting its request for relief from the automatic stay imposed by 11 U.S.C. § 362 and respectfully shows the Court as follows:

1. On September 2, 2022, Debtor filed a petition with the Bankruptcy Court for the Northern District of Georgia under Chapter 7 of Title 11 of the United States Bankruptcy Code.

2. Movant holds a Promissory Note secured by the Security Deed which describes real property owned by Debtors and known as: 1254 Gate Post Lane, Powder Springs, GA 30127 (“Property”). A copy of the Note, Security Deed and Assignment of Mortgage, are attached hereto as Composite Exhibit “A” respectively.

3. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor, has been duly indorsed, or creditor, directly or through an agent, has possession of the promissory note and may enforce the promissory note as a transferee in possession. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust. If the original promissory note is lost or destroyed, then Creditor will seek to prove the promissory note using a lost note affidavit.

4. Upon information and belief, the approximate payoff, exclusive of legal fees and expenses incurred in the connection with the instant motion, due and owing to the Movant as of September 7, 2022 is \$247,435.93.

5. Debtor is in breach of the Note and Security Deed by failing to make the necessary payments to Movant and is now due for the November 1, 2019. The total arrearages are \$88,003.99.

6. Cause exists for relief from the automatic stay. Direct mortgage payments are not being made to the Movant. As such, Movant’s interests are not adequately protected.

**WHEREFORE**, Movant prays the Court as follows:

1. Modify the Automatic Stay of 11 U.S.C. § 362(a) to permit Movant to enforce its security interest in the Property including but not limited to any non-bankruptcy remedies to foreclose and obtain possession;

2. Modify Rule 4001(a)(3) of the Bankruptcy Code so that it is not applicable in this case and so Movant may immediately enforce and implement this order granting relief from the automatic stay;

3. As an alternative to the relief prayed for above, grant adequate protection to Movant for its interest in the Collateral;

4. Movant specifically requests permission to communicate with the Debtors and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law; and

5. Grant Movant such other and further relief as the Court deems just and proper.

/s/Chad R. Simon

Chad R. Simon

Georgia Bar No. 646919

Bonial & Associates

Chad R. Simon

Managing Georgia Attorney

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Atlanta, GA 30366

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[chad.simon@bonialpc.com](mailto:chad.simon@bonialpc.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was provided via Regular U.S. Mail and/or Electronic Mail to the parties listed on the attached service list, this 16<sup>th</sup> day of September, 2022.

**SERVICE LIST**

Sharleen Lynn Siskey  
1254 Gate Post Lane  
Powder Springs, GA 30127

Katherine J. Hill  
Hicks Hill, LLC  
Suite 210  
305 Lawrence Street  
Marietta, GA 30060

Trustee  
S. Gregory Hays  
Hays Financial Consulting, LLC  
Suite 555  
2964 Peachtree Road  
Atlanta, GA 30305

U.S. Trustee  
Office of the United States Trustee  
362 Richard Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

/s/Chad R. Simon  
Chad R. Simon  
Georgia Bar No. 646919  
Bonial & Associates  
Chad R. Simon  
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